



3-3-04

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: LYONS ET AL. Examiner: UNKNOWN  
Serial No.: 10/718,037 Group Art Unit: UNKNOWN  
Filed: NOVEMBER 19, 2003 Docket: 12929.1102USU1  
Title: BACKLIGHTING SYSTEM FOR A FIREPLACE

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EL976595255US

Date of Deposit: March 1, 2004

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

*Teresa Anderson*

Name: Teresa Anderson

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**23552**

PATENT TRADEMARK OFFICE

Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Information Disclosure Statement, Form 1449, 1 Reference
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

MERCHANT & GOULD P.C.  
P.O. Box 2903, Minneapolis, MN 55402-0903  
612.332.5300

By:

*Robert A. Kalinsky*

Name: Robert A. Kalinsky

Reg. No.: 50,471

RKalinsky:PLSdb



PATENT

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By: Teresa Anderson

Name: Teresa Anderson

INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(b))

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted before the mailing date of a first Office Action on-the-merits. Accordingly, no fee is due for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2)(i), a copy of the U.S. patents and U.S. patent publications listed on the enclosed Form 1449 are not provided, as this application was filed after June 30, 2003. A copy of any foreign patent document or "Other Document" listed on the Form 1449 is enclosed, in accordance with 37 C.F.R. § 1.98(a)(2).

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a

reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.



Date: Mar 1, 2004

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Robert A. Kalinsky  
Robert A. Kalinsky  
Reg. No. 50,471  
RAK:PLSdb

A circular stamp from the Office of Intellectual Property (OIP). The text "OIP" is at the top, "JCA2" is on the right, and "PATENT & TRADEMARK OFFICE" is at the bottom. The date "MAR 01 2004" is stamped in the center.[illegible]

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
		Co-pending U.S. Patent Application Serial No. 10/718,053, entitled "Reduced Clearance Gas Fireplace," filed November 19, 2003.

PATENT TRADEMARK OFFICE

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.